

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SALVATORE TANTILLO,

Plaintiff,

v.

Civil Action No.
3 :23-cv-1447 (TJM/ML)

NEW YORK STATE TROOPER BRANDON D.
SMITH, COMPLETE CLAIMS SERVICES,
L.L.C., FRANK AND SON AUTOBODY,
PURE INSURANCE, SUSAN LYNCH,
ARBITRATION FORUMS INC.,

Defendants.

DECLARATION OF TIMOTHY McKERNAN

I, Timothy McKernan, declare and state as follows:

1. I am over the age of 18 years old. I have personal knowledge of the facts set forth in this declaration, except as to any matters stated on information and belief, and as to those matters, I am informed and believe them to be true. If called to testify in this matter, I could and would testify consistently with the matters set forth below.

2. I am the Operations Manager and Forum Rules Manager for Arbitration Forums, Inc. ("Arbitration Forums"). As such, I am familiar with its corporate history and business operations.

3. Arbitration Forums provides arbitral services and has been resolving subrogation claims since 1943. It is a membership-driven, not-for-profit arbitral organization that exists to administer intercompany subrogation and arbitration claims among its more than 6,000 members. These members are insurance carriers and large self-insured corporations.

4. Arbitration Forums is not an insurance carrier. It does not underwrite

insurance policies or reinsure risks.

5. Arbitration Forums became a New York not-for-profit corporation formed in New York on December 8, 1981. A true and accurate copy of its Certificate of Incorporation is attached as **Exhibit A**.

6. In 1992, Arbitration Forums moved to its current corporate headquarters located in Tampa, Florida. I work at the corporate headquarters in Florida. More information about the history of Arbitration Forums can be found online at: <https://home.arbfile.org/about-us/company-history> (last visited on Dec. 7, 2023).

7. State Farm Insurance Company ("State Farm") and PURE Insurance are members of Arbitration Forums. Plaintiff is not a member of the organization.

8. On August 9, 2023, Arbitration Forums opened a case file for a subrogation arbitration between State Farm and PURE Insurance arising out of a dispute between those insurers following a motor vehicle accident involving a vehicle owned by Plaintiff.

9. Arbitration Forums thereafter administered the above referenced subrogation arbitration between State Farm and PURE Insurance. This was Arbitration Forums' only role in adjudicating the dispute between the insurance carriers following Plaintiff's motor vehicle accident.

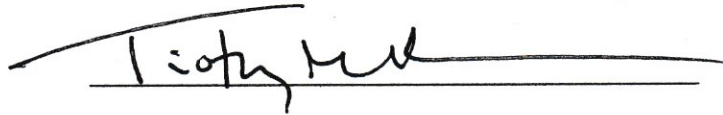
10. I have reviewed the arbitration administration records of Arbitration Forums, as maintained in the normal course of business, and Plaintiff was not a party to the above referenced arbitration. Nor would Plaintiff have had standing to intervene in the intercompany arbitration proceeding between the two insurance carriers involved in the subrogation arbitration dispute. Pursuant to the Arbitration Forums' rules, Plaintiff would not be a party or identified as a witness because the dispute was between the insurance carriers involved in the arbitration.

11. On December 1, 2023, Arbitration Forums received a copy of the

summons and complaint in this action via certified mail at its office in the State of Florida. Plaintiff did not request that we waive service of process, nor has Arbitration Forums received service of process through any means other than certified mail.

I declare under penalty of perjury under the laws of the State of Florida and the United States of America that the foregoing is true and correct.

This declaration is made at Tampa, Florida on December 7, 2023.

A handwritten signature in black ink, appearing to read "Timothy McKernan", is written over a horizontal line.

Timothy McKernan